

CBW:nmb

United States District Court
STATE AND DISTRICT OF MINNESOTA

NOV 19 2010

UNITED STATES OF AMERICA

V.

(02) CRUZE ANTHONY WHITE

CRIMINAL COMPLAINT

Case Number: 10-mj-486
(mkk)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

COUNT 1

(Murder in the Second Degree)

On or about November 3, 2010, in the State and District of Minnesota, and within the exterior boundaries of the Red Lake Indian Reservation, the defendant,

CRUZE ANTHONY WHITE

an Indian, while aiding and abetting Donald Leigh Clark, Jr., did unlawfully kill Julian Keith DeMarris, also an Indian, with malice aforethought, in violation of Title 18, United States Code, Section(s) 2, 1111, 1151, 1153(a).

COUNT 2

(Assault With Intent to Commit Murder)

On or about November 3, 2010, within the exterior boundaries of the Red Lake Indian Reservation and in the State and District of Minnesota, the defendant,

CRUZE ANTHONY WHITE

an Indian, while aiding and abetting Donald Leigh Clark, Jr., did assault Jerrik Jon DeMarris, also an Indian, with intent to commit murder, in violation of Title 18, United States Code, Sections 2, 113(a)(1), 1151, and 1153(a).

SCANNED

NOV 19 2010

U.S. DISTRICT COURT ST. PAUL

COUNT 3

(Assault With Intent to Commit Murder)

On or about November 3, 2010, within the exterior boundaries of the Red Lake Indian Reservation and in the State and District of Minnesota, the defendant,

CRUZE ANTHONY WHITE

an Indian, while aiding and abetting Donald Leigh Clark, Jr., did assault Orland James Spears, also an Indian, with intent to commit murder, in violation of Title 18, United States Code, Sections 2, 113(a)(1), 1151, and 1153(a).

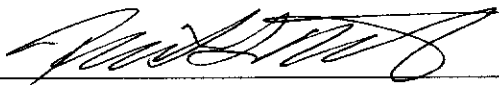
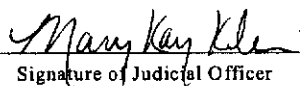
I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me, and subscribed in my presence,

11-17-2010
Date
The Honorable Mary Kay Klein
UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer


Signature of Complainant
Robert Mertz
FBI
at Bemidji, MN
City and State

Signature of Judicial Officer

1 STATE OF MINNESOTA)

2)

3 COUNTY OF BELTRAMI) ss. AFFIDAVIT OF ROBERT L. MERTZ

4)

5)

6

7 1. Your affiant, Robert L. Mertz, being duly sworn, does
8 depose and state as follows:

9 2. I am a Special Agent (SA) of the Federal Bureau of
10 Investigation (FBI). I have been a Special Agent of
11 the FBI since March 2002. I am currently assigned to
12 the Bemidji, Minnesota Resident Agency of the FBI with
13 the primary responsibility of investigating violent
14 crimes that occur on the Red Lake Indian Reservation.
15 The information contained in this affidavit is based
16 on my knowledge and on the reporting and knowledge of
17 other law enforcement officers involved in this
18 investigation.

19 3. On November 3, 2010, at approximately 3:12 PM, the Red
20 Lake Police Department (RLPD) responded to a report of
21 a shooting that occurred in the town of Redby,
22 Minnesota, located on the Red Lake Indian Reservation.

23 4. At Redby, RLPD Officers and emergency medical
24 personnel found three adult males, in and around a
25 vehicle stopped on the street, who were injured with
26 apparent gunshot wounds.

27 5. The gunshot victims were identified as Julian Keith
28 Demarrias, date of birth (DOB) XX/XX/1988; Jerrik Jon
29 Demarrias, DOB XX/XX/1991; and Orland James Spears,
30 DOB XX/XX/1991.

31 6. The gunshot victims were transported to Indian Health
32 Service (IHS) hospital for treatment.

- 1 7. Julian Keith Demarrias was pronounced dead at IHS on
2 November 3, 2010.
- 3 8. Jerrik Demarrias and Orland Spears were transferred to
4 other medical facilities for further treatment.
- 5 9. Orland Spears was interviewed at North Country
6 Regional Hospital on 11/04/2010 by FBI Special Agent
7 Michael Iverson and FBI Special Agent Robert Mertz.
- 8 10. Orland Spears stated that he was driving in a vehicle
9 with Julian Demarrias and Jerrik Demarrias and met a
10 male he knew as "Don Juan" while parked outside the
11 "Other Store", located in Redby.
- 12 11. RLPD has advised that Donald Leigh Clark Jr., DOB
13 XX/XX/1988 is also known as (AKA) "Don Juan".
- 14 12. Orland James Spears advised "Don Juan" was in a
15 vehicle with Cruze White.
- 16 13. Cruze White has been identified by RLPD as Cruze
17 Anthony White, DOB XX/XX/1988.
- 18 14. Orland Spears advised that he, Julian Demarrias, and
19 Jerrik Demarrias gestured for "Don Juan" and Cruze
20 White to follow them in their vehicle.
- 21 15. Orland Spears advised that he, Julian Demarrias, and
22 Jerrik Demarrias had firearms inside their vehicle.
- 23 16. Orland Spears stated that when both vehicles drove to
24 the location of the shooting, Julian Demarrias, Jerrik
25 Demarrias, and Orland Spears hopped out of their
26 vehicle with the intent of shooting at Cruze White and
27 "Don Juan".
- 28 17. Orland Spears advised that they had wanted to "send
29 them on a helicopter ride". Orland Spears clarified
30 that this meant to hurt Cruze White and "Don Juan" to
31 the extent that they would need to be flown out on a
32 helicopter.

- 1 18. Orland Spears advised that he, Julian Demarrias, and
2 Jerrik Demarrias got out of their vehicle. Orland
3 Spears advised he did not have a weapon when he got
4 out of the vehicle.
- 5 19. Orland Spears advised that "Don Juan" hopped out of
6 his vehicle with an "AK". It was understood that "AK"
7 referred to an AK-47-style assault rifle. Orland
8 Spears did not observe Cruze White exit the vehicle
9 and advised Cruze White was seated in the passenger
10 seat.
- 11 20. Orland Spears stated he heard a bunch of gun shots and
12 that he heard his "home boys" screaming.
- 13 21. Orland Spears stated he got back into his vehicle as
14 soon as he saw "Don Juan" with a gun. Orland Spears
15 stated he was shot three times in his back while
16 seated inside the vehicle.
- 17 22. Jerrik Demarrias was interviewed at Sanford Hospital,
18 Fargo, North Dakota, by FBI Special Agent Michael
19 Smotrys on November 4, 2010.
- 20 23. Jerrik Demarrias advised he was shot six times by
21 Donald Clark on November 3, 2010.
- 22 24. Jerrik Demarrias advised he saw Clark shoot him with
23 an "AR-15".
- 24 25. Jerrik Demarrias advised that Cruze White was also in
25 the vehicle with Donald Clark and that both Clark and
26 White had guns.
- 27 26. Jerrik Demarrias advised he had three guns inside his
28 own vehicle: a .22 rifle, a .303 British rifle, and a
29 410 shotgun. Jerrik Demarrias advised the guns were
30 in the vehicle because he planned to go hunting later
31 in the day.

- 1 27. Jerrik advised that Clark and White, who passed by
2 them driving a black Yukon sport utility vehicle,
3 turned around to follow him.
- 4 28. Jerrik Demarrias advised Clark and White followed him
5 to a stop sign where Clark and White jumped out of
6 their vehicle, with Clark exiting the driver's side
7 and White exiting the passenger's side.
- 8 29. Jerrik Demarrias advised he was first to exit his
9 vehicle to "see what was up" and that Julian Demarrias
10 also exited. Jerrik advised that Orland Spears stayed
11 inside their vehicle.
- 12 30. Jerrik Demarrias advised that Clark began shooting the
13 "AR-15" and that after being hit by a ricochet, Jerrik
14 got back inside his vehicle and saw Julian laying on
15 the ground.
- 16 31. Witness 1 was interviewed on November 4, 2010 by RLPD
17 Investigator Geoffrey Pierre and ATF Special Agent
18 Jason Waumbach.
- 19 32. Witness 1 lived near the location of the shooting.
20 Witness 1 advised that he/she observed the shooting as
21 it occurred.
- 22 33. Witness 1 advised that he/she saw a blue Durango drive
23 by with a black Blazer-type sport utility vehicle
24 following behind it.
- 25 34. Witness 1 advised the vehicles slammed on their brakes
26 with the black Blazer stopping about one hundred feet
27 behind the blue Durango.
- 28 35. Witness 1 recognized Julian Demarrias in the blue
29 Durango.
- 30 36. Witness 1 advised Julian got out of the driver's door
31 of the blue Durango with some type of rifle or long-
32 gun and pointed it at the black Blazer.

- 1 37. Witness 1 advised that the driver and passenger of the
2 black Blazer got out and started firing at the
3 Durango. Witness 1 advised that the first gunshot
4 appeared to come from the people who exited the black
5 Blazer.
- 6 38. Witness 1 advised that the person who got out of the
7 driver's door of the black Blazer had a handgun.
- 8 39. Witness 1 advised the person who got out of the
9 passenger side of the black Blazer may have had a
10 rifle. Witness 1 did not see the weapon but heard the
11 sound of gunshots that Witness 1 thought sounded like
12 a high-powered rifle.
- 13 40. Witness 1 saw Julian fall with his weapon and Witness
14 1 went to call 911. Witness 1 advised the occupants
15 of the black Blazer jumped back in their vehicle and
16 took off to the east.
- 17 41. Witness 2 was interviewed on November 04, 2010 by SA
18 Mertz and SA Iverson.
- 19 42. Witness 2 reported she was riding in Clark's black
20 colored Suburban heading East towards Redby, MN.
- 21 43. Witness 2 advised the blue colored Durango driven by
22 Jerrik Demarrias with Julian Demarrias and Orland
23 Spears inside was heading West towards Red Lake, MN.
- 24 44. Witness 2 advised the Durango executed a U-turn and
25 began to follow Clark's Suburban.
- 26 45. Witness 2 advised Clark stopped at the Derek White
27 residence in Redby, MN and dropped Witness 2, her
28 three year old child, and another adult individual
29 off.
- 30 46. Approximately twenty minutes later, Witness 2 advised
31 she heard "a bunch of gun shots" and opined they had

1 something to do with Clark and the occupants of the
2 blue Durango.

3 47. Witness 2 advised there were no firearms in Clark's
4 Suburban when she was riding with him.

5 48. FBI Special Agent Timothy Ball, who responded to the
6 scene of the shooting, advised that he and RLPD
7 personnel located eleven (11) expended 7.62 mm shell-
8 casings behind a blue Dodge Durango with Red Lake
9 License plate 17900.

10 49. SA Ball further advised that five (5) expended 12-
11 gauge shotgun shells were also found behind the blue
12 Durango.

13 50. SA Ball advised that he and RLPD personnel had not
14 observed or recovered any expended shell casings on
15 the ground near or around the blue Durango.

16 51. No expended shell-casings were observed inside the
17 blue Durango.

18 52. SA Ball advised that two un-expended 410 shotgun
19 shells were located near the blue Durango, with one of
20 the two shells located directly underneath a 410
21 shotgun lying on the ground near the driver's side
22 front tire of the blue Durango.

23 53. After processing the scene, two weapons were recovered
24 by RLPD from inside the blue Durango: a Mossberg Int'l
25 702 Plinkster .22 caliber rifle with a scope and a MA
26 Lithgow S.M.L.E. III 1944 rifle with a scope.

27 54. Background investigation revealed that Donald Leigh
28 Clark Jr. was sentenced to probation on January 25,
29 2010, for the offense of Fleeing a Peace Officer in a
30 Motor Vehicle, in violation of Minnesota Statute
31 609.487.3, a felony conviction.

- 1 55. The recovered 7.62 mm shell-casings were stamped with
2 "7.62" indicating the caliber as well as "WOLF"
3 indicating the manufacturer.
- 4 56. Consultation with the Bureau of Alcohol Tobacco and
5 Firearms (ATF) on November 5, 2010, indicated that
6 WOLF ammunition is believed to be manufactured outside
7 the State of Minnesota. Possession of ammunition that
8 was manufactured outside the State of Minnesota would
9 have affected interstate commerce.
- 10 57. A RLPD report dated October 15, 2010 details a 911
11 call from Khrisha Demarrias. Khrisha advised that at
12 approximately 7:41 p.m., she was at "Jambi's Store"
13 with her three year old daughter. When Khrisha
14 returned to her vehicle, she was approached by Donald
15 Clark and Cruze White. Khrisha advised Clark pointed
16 a sawed-off shotgun at her and asked where Khrisha's
17 brothers were. Khrisha advised she did not respond
18 and got into her car and left.
- 19 58. SA Mertz has learned Khrisha's brothers are Julian and
20 Jerrik Demarrias.
- 21 59. On November 10, 2010, SA Mertz was notified by RLPD
22 they located a black colored GMC Yukon bearing Red
23 Lake license plate number 19287 abandoned in an old
24 grave site in Redby, MN.
- 25 60. The vehicle was towed to the Red Lake Law Enforcement
26 Center for secure storage.
- 27 61. SA Mertz has learned that the registered owner of the
28 GMC Yukon, VIN# 1GKEK13R2WJ733383 is Donald L. Clark,
29 address of P.O. Box 735, Redby, MN 56670.
- 30 62. Based on the information above, I believe that there
31 is probable cause to conclude that on November 3,
32 2010, within the exterior boundaries of the Red Lake

1 Indian Reservation, Minnesota, a location within the
2 special territorial jurisdiction of the United States,
3 that Donald Leigh Clark Jr., date of birth (DOB)
4 XX/XX/1988 and Cruze Anthony White, date of birth
5 XX/XX/1988, who are both Indians, did aid and abet
6 each other to unlawfully kill with malice aforethought
7 Julian Keith Demarrias, an Indian male and enrolled
8 member of the Red Lake Band of Chippewa Indians, all
9 in violation of Title 18, United States Code, Section
10 2, 1111, 1151 and 1153(a).

11 63. Further, I believe that there is probable cause to
12 conclude that on November 3, 2010, within the exterior
13 boundaries of the Red Lake Indian Reservation,
14 Minnesota, a location within the special territorial
15 jurisdiction of the United States, that Donald Leigh
16 Clark Jr. and Cruze Anthony White did assault with
17 intent to commit murder Jerrik Jon Demarrias, DOB
18 XX/XX/1991 and Orland James Spears, DOB XX/XX/1991,
19 both Indians, in violation of Title 18, United States
20 Code, Section 1111, 1113(a)(1), 1151 and 1153(a).

21 64. Further your affiant sayeth not.
22
23

24 

25 Robert L. Mertz

26 Special Agent

27 Federal Bureau of Investigation

28 Bemidji, Minnesota
29

30 Subscribed and sworn to before me this 17th day of November,
31 2010.
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Mary Kay Kline
U.S. Magistrate Judge

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